

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Kyle O'Hehir,

Complainant

against

Docket # FIC 2021-0530

Director, Blight Remediation and Housing
Code Enforcement, City of Hartford; and
Blight Remediation and Housing Code
Enforcement, City of Hartford,

Respondents

August 10, 2022

The above-captioned matter was heard as a contested case on February 2, 2022, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Special Session).

Immediately following the February 2, 2022 hearing, the hearing officer ordered the respondents to submit additional evidence in the form of an affidavit, and further ordered the complainant to advise the Commission, no later than March 7, 2022, of whether he sought to cross examine the affiant. Absent any objection from the complainant or request to cross examine the affiant, the hearing officer received and admitted the affidavit as follows: Respondents' Exhibit 4 (after-filed): Affidavit of Michael Perez, Blight Remediation Official (2 pages), February 16 2022.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, by letter dated August 30, 2021, the complainant requested that the respondents provide him with "an opportunity to inspect or obtain copies of public records relating to the Housing Code Enforcement Citation Hearing Case # HC-HCE-2021-007488 that took place at 10 am on Thursday, August 26, 2021. Specifically, I am looking for contact information for the Hearing Officer who presided over the hearing as well as a written record of his continuance ruling."
3. By letter of complaint filed September 13, 2021, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by denying his request for records described in paragraph 2, above. The complainant requested that

the Commission order the respondents to pay a civil penalty and to undergo FOI training.

4. Section 1-200(5), G.S., provides:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides in relevant part that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... inspect such records promptly during regular office or business hours ... or ... receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

7. It is found that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

8. It is found that, on August 26, 2021, a citation hearing was convened at the City of Hartford’s Citation Hearing Office (“citation hearing”). It is found that, prior to the citation hearing, the respondents provided the Citation Hearing Office and the complainant with copies of the records it maintained that were related to the citation and hearing. Following the citation hearing, the complainant submitted the request identified in paragraph 2, above.

9. At the contested case hearing in this matter, the respondents contended that all responsive records were provided to the complainant. The complainant disputed this contention.

10. It is found that, upon receipt of the complainant’s request, the respondents conducted a search for responsive records and concluded that they did not maintain any responsive records that were not already provided to the complainant prior to the citation hearing.

11. It is further found that, following receipt of the request identified in paragraph 2, above, by email dated September 3, 2021, the respondents suggested to the complainant that, to the extent additional records may exist, they may be maintained by the Citation Hearing Office,

within the Office of the Corporation Counsel for the City of Hartford.¹

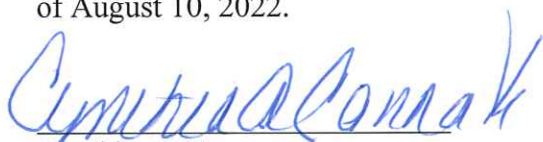
12. Based on the foregoing, it is found that the respondents conducted a reasonable and diligent search and that all records responsive to the request set forth in paragraph 2, above, were provided to the complainant.

13. It is therefore concluded that the respondents did not violate §§1-210(a) and 1-212, G.S., as alleged in the complaint. Accordingly, consideration of the imposition of a civil penalty and FOI training is not warranted.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 10, 2022.



Cynthia A. Cannata
Acting Clerk of the Commission

¹ The respondents also forwarded a copy of the complainant's request to the Office of the Corporation Counsel and a paralegal within that office conducted a search for responsive records. By emails dated September 14 and 15, 2021, the Office of Corporation Counsel notified the complainant that responsive records were located and mailed to him. The complainant was also informed that all communications to the assigned hearing officer could be submitted to the Office of Corporation Counsel, including any emails, and provided the necessary contact information to the complainant.

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

KYLE O'HEHIR, Constitution Management, P.O. Box 8176, PMB 81426, Greenwich, CT 06836

DIRECTOR, BLIGHT REMEDIATION AND HOUSING CODE ENFORCEMENT, CITY OF HARTFORD; AND BLIGHT REMEDIATION AND HOUSING CODE ENFORCEMENT, CITY OF HARTFORD, c/o Attorney Alexandra Lombardi, Office of the Corporation Counsel, 550 Main Street, Suite 210, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission